

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3886

IN THE MATTER OF:

Served February 12, 1992

Application of SKY LINES, INC., for)  
a Certificate of Authority --        )  
Irregular Route Operations        )

Case No. AP-91-46

By application filed December 23, 1991, Sky Lines, Inc. (Sky Lines or applicant), a Maryland corporation, seeks a Certificate of Authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

Notice of this application was served on January 2, 1992, in Order No. 3873, and Sky Lines was ordered to publish further notice in a newspaper and file an affidavit of publication. Sky Lines complied. This application is unopposed.

SUMMARY OF EVIDENCE

Sky Lines proposes to initiate operations using one leased 21-passenger vehicle. Applicant's proposed tariff contains hourly and transfer charter rates.

Sky Lines' application includes information regarding, among other things, its corporate status, facilities, vehicle maintenance arrangements, driver training practices, proposed tariff, finances, and regulatory compliance record.

Applicant's vice president certifies on Sky Lines' behalf that it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and applicable United States Department of Transportation regulations.

Sky Lines filed a balance sheet as of November 30, 1991, showing total current assets of \$19,370.62, and total fixed assets of \$28,500. Total current liabilities are shown as \$17,701.56, total long term debt as \$31,283.56, and total stockholders equity as (\$1,114.50). A footnote to the balance sheet indicates that \$20,500 of the long term debt consists of loans from the stockholders, composed of \$12,000 in cash and \$8,500 in fixed assets.

Sky Lines filed an income statement for the one month it was in operation prior to filing its application. It shows no revenue, with total expenses of \$1,214.50. Sky Lines' projected income statement for the year ended December 31, 1992, shows charter income of \$105,600, total expenses of \$67,162, and net income of \$38,438.

The application indicates that applicant's president, vice president and treasurer are its sole shareholders. It is certified that neither Sky Lines nor any person controlling, controlled by, or under common control with Sky Lines has any relationship with a carrier other than Sky Lines.

#### DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant, . . . if it finds that --

(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds Sky Lines to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

Sky Lines' amended articles of incorporation state that the corporation was formed for the following purpose: "[t]o provide services as a passenger motor carrier for sightseeing tours, shuttle transfers, non-sightseeing charters and charter services between points in the United States and Canada." It is clear from the articles of incorporation and from applicant's tariff that Sky Lines intends that its passenger transportation operations be confined to charter operations. Sky Lines' Certificate of Authority will be restricted to charter operations.

For purposes of this application, charter operation is defined as transportation of a pre-formed group with a determinable community of interest. The group is assembled by someone other than the carrier and has exclusive use of the vehicle(s) chartered. Charter rates are group rates that apply to use of the chartered vehicle(s) and do not vary according to the number of persons being transported, except as to the passenger capacity of the vehicle(s) chartered. The itinerary is determined by the charter party.

The necessity to define charter operations is occasioned by the specific limiting language in applicant's articles of incorporation, and our definition here is limited to this case and the specific facts and circumstances here involved. Neither the Compact nor the Commission's Rules and Regulations define charter operations, the only distinction being drawn between "regular route" and "irregular route" operations. Accordingly, absent special circumstances as present in this case, it is not usually necessary to further define irregular route operations.

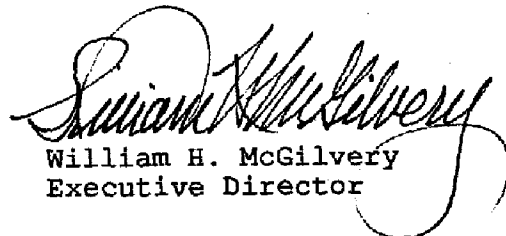
THEREFORE, IT IS ORDERED:

1. That Sky Lines, Inc., is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to charter operations.

2. That Sky Lines, Inc., is hereby directed to file with the Commission within 30 days of the date of this order, or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of its tariff(s) in accordance with Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; and (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 198 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 198 shall be issued to Sky Lines, Inc., as appended to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director

**WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION**

**CERTIFICATE OF AUTHORITY**

**NO. 198**

**Sky Lines, Inc.  
3623 Glenoble Court  
Jefferson, Maryland 21755**

By Order No. 3886 of the Washington Metropolitan Area Transit Commission issued  
February 12, 1992;

*WHEREAS, the above-named carrier is entitled to receive authority to transport  
passengers within the Washington Metropolitan Area Transit District;*

*THIS CERTIFICATE OF AUTHORITY is hereby issued to the named carrier as evidence  
of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject,  
however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the  
exercise of the privilege granted to the named carrier:*

**IRREGULAR ROUTES**, transporting passengers, together with baggage in the  
same vehicles as passengers, between points in the Washington Metropolitan  
Area Transit District;

**RESTRICTED TO** (1) operations conducted according to the named carrier's  
applicable tariff on file with the Commission and (2) charter operations; and

**RESTRICTED AGAINST** (1) transportation solely within the Commonwealth  
of Virginia and (2) any passenger transportation for hire on an individual  
fare paying basis in competition with any existing, scheduled, regular-route,  
passenger transportation service performed by, or under a contract with, the  
Federal Government, a signatory to the Compact, a political subdivision of a  
signatory, or the Washington Metropolitan Area Transit Authority.

**THE TERM "CHARTER OPERATIONS"** as used herein is defined as  
transportation of a pre-formed group with a determinable community  
of interest. The group is assembled by someone other than the  
carrier and has exclusive use of the vehicle(s) chartered.

Charter rates are group rates that apply to use of the chartered  
vehicle(s) and do not vary according to the number of persons being  
transported, except as to the passenger capacity of the vehicle(s)  
chartered. The itinerary is determined by the charter party.

**THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY  
TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER  
NAMED HEREON.**

**THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE  
CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE  
REQUIREMENTS OF THE COMMISSION.**

**IT IS A FURTHER CONDITION of this certificate of authority that the carrier named  
hereon shall (a) provide safe and adequate transportation service, equipment, and facilities and  
(b) observe and enforce Commission regulations.**